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5 *Attorneys for Plaintiff,*
6 Michael Grecco Productions, Inc.

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 MICHAEL GRECCO PRODUCTIONS,
10 INC., a California corporation,

11 Plaintiff,

12 v.

13 LEONIS CAPITAL PARTNERS, LLC a
Delaware Limited Liability Company;
14 JAY ZHAO, an individual; and DOES 1-
10, inclusive,

15 Defendants.
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Case No. 2:24-cv-7818

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (17 U.S.C. § 501)**

DEMAND FOR JURY TRIAL

1 Michael Grecco Productions, Inc. (“Grecco”), by and through its attorneys of
2 record, complains against Leonis Capital Partners, LLC. (“Leonis Capital” or
3 “Defendant”) and DOES 1-10, inclusive, as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendant Leonis Capital for its acts of
6 copyright infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101
7 et seq.

8 2. This Court has subject matter jurisdiction over this copyright infringement
9 action under 28 U.S.C. §§ 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a).

10 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (c) in that
11 the claim arises in this Judicial District, the Defendants reside and transact business in
12 this Judicial District, and the injury suffered by Grecco took place in this Judicial District.
13 Defendants are subject to the general and specific personal jurisdiction of this Court
14 because of their contacts with the State of California.

15 **PARTIES**

16 4. Plaintiff Grecco is a photography studio and business owned and operated
17 by photographer Michael Grecco and registered with the State of California on or around
18 January 1, 1998. Grecco is the successor by corporate name change from Michael
19 Grecco Photography, Inc. to Michael Grecco Productions, Inc. on January 26, 2012.
20 Grecco is a California corporation with its principal place of business at 3103 17th Street,
21 Santa Monica, California 90405.

22 5. Grecco is informed and believes and, upon such, alleges that Defendant
23 Leonis Capital Partners d/b/a Leonis Capital is a limited liability company formed and
24 existing under the laws of Delaware with its principal place of business located in San
25 Francisco, California.

26 6. Plaintiff is informed, believes, and thereon alleges that Defendant Zhao is an
27 individual residing and doing business in San Francisco, California.

28 7. DOES 1 through 10, inclusive, are unknown to Grecco, who therefore sues

1 said Defendants by such fictitious names. Grecco will ask leave of Court to amend this
 2 Complaint and insert the true names and capacities of said Defendants when the same
 3 have been ascertained. Grecco is informed and believes and, upon such, alleges that each
 4 of the Defendants designated herein as a “DOE” are legally responsible in some manner
 5 for the events and happenings herein alleged, and that Grecco’s damages as alleged
 6 herein were proximately caused by such Defendants.

7 **STATEMENT OF FACTS**

8 *Plaintiff’s Business and the Google Photographs Forming the* 9 *Subject Matter of This Dispute*

10 8. As part of its business as a prominent celebrity photography agency, Grecco
 11 is hired by a multitude of top-tier media outlets, including certain Hollywood studios, to
 12 take photographs of celebrities. Michael Grecco has been asked to create and photograph
 13 iconic cover and portrait shots of legendary musicians, actors, directors, technologists,
 14 Olympians, fashion models, comedians, athletes and automobiles—such as Johnny Cash,
 15 Steven Spielberg, Will Smith, Joaquin Phoenix, Penelope Cruz, Olympian Janet Evans,
 16 Martin Scorsese, Steve Martin, Chris Rock, the SnapChat Founders, and Porsche’s
 17 legendary 911 sports automobile. Michael Grecco has photographed for some of the
 18 most significant publications and magazines in the world, from Vanity Fair to Rolling
 19 Stone to ESPN Magazine to People and Forbes and Esquire to name a few, as well as for
 20 iconic brands to advertise their products, such as his iconic Porsche photographs. Grecco
 21 then licenses its photographs on an exclusive and non-exclusive basis to top-tier media
 22 outlets. Grecco has licensed individual images of celebrities for thousands of dollars to
 23 major top-tier outlets.

24 9. Grecco has created many stylized and valuable photographs of celebrities.
 25 Among them is the Google Photograph that frames the subject matter of this dispute.

26 10. The Google Photograph is a photograph of Google founders Larry Page and
 27 Sergey Brin. A true and correct copy of the Google Photo is attached hereto as Exhibit A.

28 11. Grecco timely obtained the copyright registration for the Google Photo with

1 the United States Copyright Office. The Google Photo was registered with the copyright
2 office on November 18, 2002, over twenty years before Defendants' copyright
3 infringement in March 2024. *See* VAu590-445. A true and correct copy of the Copyright
4 Registration Certificate is attached hereto as Exhibit B.

5 12. In the marketplace, celebrity photos, such as the Google Photo, carry
6 tremendous monetary value. Grecco licenses these images to various third parties to
7 create highly sought-after feature spreads, among other things, on television, print, and
8 online. The Google Photo itself has been licensed to media outlets for many thousands of
9 dollars.

10 *The Defendants and the Marketplace*

11 13. Leonis Capital is a venture capital fund investing in tech companies powered
12 by Artificial Intelligence. Founded in 2021, Leonis Capital considers itself a fund that
13 acts with "research-backed conviction" and invests in "founders with unique insights and
14 technical expertise."

15 14. On information and belief, Leonis Capital profits through their infringement
16 of the Google Photo by attracting future customers to use and patronize their services.

17 15. Defendants understand the immense value of intellectual property
18 protections. As a sophisticated venture capital fund that orchestrates investment into
19 advanced technology startups and the founder thereof, Defendants are keenly aware of
20 the worth of intellectual property as a valuable commodity. Further, Leonis Capital
21 actively polices and vigorously protects its own intellectual property rights from
22 infringement, as demonstrated by the '©' copyright notice featured at the bottom of the
23 Leonis Capital website.

24 16. Still, despite its awareness of the importance of intellectual property rights,
25 its potential to incur liability for the infringement of the same, and Leonis Capital's
26 sophisticated operators, Leonis Capital infringed Grecco's copyrights to the Google
27 Photos.

28 17. In or about early 2024, Leonis Capital founder Jay Zhao posted the Google

1 Photo to an article using Leonis Capital's LinkedIn platform titled "*How Venture Funds*
2 *Source Deals*." A true and correct copy of the Google Photo infringement is attached
3 hereto as Exhibit C which demonstrates that the Howard Photo was reproduced,
4 distributed and publicly displayed by Leonis Capital and on Leonis Capital's LinkedIn
5 Platform. Grecco discovered this infringement on March 9, 2024.

6 18. On March 19, 2024, Grecco sent Defendants a Cease-and-Desist letter,
7 demanding Defendants remove the Google Photo from its LinkedIn platform and address
8 the damages of their infringement of the same. A true and correct copy of the Cease-and-
9 Desists are attached as Exhibit D.

10 19. As of August 30, 2024 Defendants failed to respond to Grecco, despite
11 Leonis Capital's receipt of Grecco's correspondence.

12 20. Grecco is informed and believes that Leonis Capital has violated federal law
13 by infringing Grecco's copyright to at least the Google Photo (identified in Exhibit A).
14 Specifically, Leonis Capital reproduced, distributed and publicly displayed the Google
15 Photo, and/or derivatives thereof without permission, consent, or license.

16 21. Grecco has never sold or licensed the Google Photo to Leonis Capital or
17 Zhao.

18 22. Grecco is informed and believes that Leonis Capital and Zhao have driven
19 significant traffic to its own platforms in part due to the presence of the sought after and
20 searched for Google Photo that frames this dispute. As mentioned above, all this traffic
21 translates into substantial ill-gotten commercial advantage and revenue generation for
22 Leonis Capital as a consequence of their infringing actions.

23 **FIRST CLAIM FOR RELIEF**

24 **(Copyright Infringement, 17 U.S.C. § 501, Against all Defendants)**

25 23. Plaintiff Grecco incorporates herein by reference the allegations in
26 paragraphs 1 through 22 above.

27 24. Grecco is the rightsholder to the copyrights of the Google Photo, which
28 substantially consists of wholly original material that constitutes copyrightable subject

1 matter under the laws of the United States. Grecco has complied in all respects with the
2 Copyright Act and all of the laws of the United States governing copyrights. The Google
3 Photos have been timely registered with the United States Copyright Office. *See*
4 VAu590-445.

5 25. Defendants have directly, vicariously, and/or contributorily infringed, and
6 unless enjoined, will continue to infringe Grecco's copyright by reproducing, displaying,
7 distributing, and utilizing the Google Photos for purposes of trade without authorization
8 of or payment to Grecco in violation of 17 U.S.C. § 501 et seq.

9 26. Defendants have willfully infringed, and unless enjoined, will continue to
10 infringe Grecco's copyrights by knowingly reproducing, displaying, distributing, and
11 utilizing the Google Photos for the purposes of trade.

12 27. Grecco is informed and believes that Defendants acts of infringement are
13 willful because, inter alia, Leonis Capital is a sophisticated business entity and
14 technology company that is comprised of individuals with full knowledge of the strictures
15 of federal copyright law and the basic requirements for licensing the use of copyrighted
16 content for commercial exploitation.

17 28. Grecco is informed and believes that Defendants, despite such knowledge,
18 willfully reproduced and distributed the Google Photos, without any right to do so.

19 29. Defendants have received substantial benefits in connection with the
20 unauthorized reproduction, distribution, and utilization of the Google Photo for purposes
21 of trade, including by increasing the traffic to their LinkedIn (and their other platforms)
22 and use of their services.

23 30. Defendants' unauthorized actions were performed without Grecco's
24 permission, license, or consent.

25 31. Defendants' wrongful acts have caused, and are causing, great injury to
26 Grecco, of which damages cannot be accurately computed, and unless this Court restrains
27 Defendants from further commission of said acts, Grecco will suffer irreparable injury,
28 for all of which it is without an adequate remedy at law. Accordingly, Grecco seeks a

1 declaration that Defendants are infringing Grecco's copyrights and an order under 17
2 U.S.C. § 502 enjoining Defendants from any further infringement of Grecco's copyrights.

3 32. As a result of Defendants wrongful acts alleged herein, Grecco has suffered
4 and is suffering substantial damage to its business in the form of diversion of trade, loss
5 of profits, injury to goodwill and reputation, and the dilution of the value of its rights, all
6 of which are not yet fully ascertainable.

7 33. Because of the willful nature of Defendants copyright infringement, Grecco
8 is entitled to an award of statutory damages of up to \$150,000 per copyrighted work.

9 34. Grecco has identified at least one copyrighted work infringed by Defendants,
10 which occurred by way of reproduction, public distribution, and public display of the
11 Google Photo on Leonis Capital's platform. As such, Grecco is entitled to an award of
12 \$150,000 in statutory damages.

13 35. Alternatively, at its discretion, Grecco is entitled to actual damages in an
14 amount to be proven at trial for the infringement of the Google Photos.

15 36. Grecco is also entitled to its attorney's fees and costs in prosecuting this
16 action.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff Grecco requests judgment against Defendant as follows:

19 A. Defendants, their officers, agents, servants, employees, representatives, and
20 attorneys, and all persons in active concert or participation with them, be permanently
21 enjoined from designing, copying, reproducing, displaying, promoting, advertising,
22 distributing, or selling, or any other form of dealing or transaction in, any and all
23 advertising and promotional materials, print media, signs, Internet websites, or any other
24 media, either now known or hereafter devised, bearing any design or mark which
25 infringe, contributorily infringe, or vicariously infringe upon Grecco's rights in the
26 Google Photo at issue.

27 B. Defendants be held liable to Grecco in statutory damages for copyright
28 infringement in accordance with 17 U.S.C. §§ 504 (a)(2) and (c) and for costs, interest,

1 and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

2 C. An accounting be made for all profits, income, receipts, or other benefit
3 derived by Defendants from the reproduction, copying, display, promotion, distribution,
4 or sale of products and services, or other media, either now known or hereafter devised
5 that improperly or unlawfully infringes upon Grecco's copyrights pursuant to 17 U.S.C. §
6 504 (a)(1) and (b).

7 D. Requiring Defendants to account for and pay over to Grecco all profits
8 derived by Defendants from their acts of copyright infringement and to reimburse Grecco
9 for all damages suffered by Grecco by reasons of Defendants' acts, pursuant to 17 U.S.C.
10 §§ 504 (a)(1) and (b).

11 E. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504
12 (a)(1) and (b).

13 F. That Grecco be awarded any such other and further relief as the Court may
14 deem just and appropriate.

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17 Dated: September 12, 2024

ONE LLP

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19 By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi

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21 *Attorneys for Plaintiff,*
Michael Grecco Productions, Inc.
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DEMAND FOR JURY TRIAL

Plaintiff Michael Grecco Productions, Inc. hereby demands trial by jury of all issues so triable under the law.

Dated: September 12, 2024

By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi

Attorneys for Plaintiff,
Michael Grecco Productions, Inc.